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REMARKS/ARGUMENTS

Claims 1-44 were pending in the present application. The present response amends claims 1, 12, 21, and 32, leaving pending in the application claims 1-44. Reconsideration of the rejected claims is respectfully requested.

I. Examiner Interview

A telephone interview was conducted with Examiner Brown at 3:00 EST on Wednesday, March 17, 2004. During the interview, no agreement was reached as to the teaching, or lack of teaching, of the depositing and monitoring of multiple film layers in *Iturralde*. During the interview, Examiner Brown indicated that adding the limitation of a multilayer, thin film interference filter to the body of the non-allowed claims, instead of reciting the filter in the preamble, would appear to get around the present rejection, and would appear to be patentable over the art of record. The non-allowed claims have been amended accordingly.

II. Allowed Claims

Claims 43 and 44 are allowed.

III. Rejection under 35 U.S.C. §102

Claims 1-10, 12-21, 32, 33, and 37-42 are rejected under 35 U.S.C. §102(e) as being anticipated by *Iturralde* (US 5,955,139). Claims 1 and 21 have been amended to recite the limitation of "depositing a plurality of thin film layers on a substrate, the plurality of thin film layers forming a multilayer, thin film interference filter." Claims 12 and 32 have been amended to recite the limitation of "means for depositing thin film layers on the substrate in order to form a multilayer, thin film interference filter." *Iturralde* does not disclose the formation of a multilayer, thin film interference filter. *Iturralde* therefore cannot anticipate Applicants' claims 1, 12, 21, and 32. Claims 2-10, 13-20, 33, and 37-42 depend from these claims and therefore also cannot be anticipated by *Iturralde*. Applicants therefore respectfully request that the rejection with respect to claims 1-10, 12-21, 32, 33, and 37-42 be withdrawn.

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IV. Rejection under 35 U.S.C. §103

Claims 11, 22-31, and 34-36 are rejected under 35 U.S.C. §103(a) as being obvious over *Iturralde* in view of *Aspnes* (US 5,798,837). Claims 11, 22-31, and 34-36 depend from claims 1, 21, and 32. As discussed above, claims 1, 21, and 32 have been amended to recite limitations relating to the formation of a multilayer, thin film interference filter. Also as discussed above, *Iturralde* does not teach or suggest the formation of a multilayer, thin film interference filter. *Iturralde* therefore cannot render obvious claims 1, 21, and 32.

Aspnes does not make up for the deficiencies in *Iturralde*. *Aspnes* is cited as teaching that "a monochromatic light source can have the structure of a broad band light source filtered by a monochromator to insure accurate measurements" (OA p. 3). Such teaching, however, would not make up for the deficiencies in *Iturralde* with respect to independent claims 1, 12, 21, and 32. *Iturralde* and *Aspnes* fail to teach or suggest the formation of a multilayer, thin film interference filter, either alone or in combination, and therefore cannot render obvious claims 1, 21, and 32. Dependent claims 11, 22-31, and 34-36 therefore cannot be rendered obvious by *Iturralde* and *Aspnes*. Applicants therefore respectfully request that the rejection with respect to claims 11, 22-31, and 34-36 be withdrawn.

V. Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims, consideration of the newly presented claims, and a notice of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TWI-12810. **A duplicate copy of the transmittal cover sheet attached to this Response is provided.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: March 22, 2004By: 

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